

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Tribal Welfare – East Godavari District – Revision Petition filed by Sri Bodapati Aravalu Raju S/o Venkata Reddy and other under Sec.6 of A.P.S.A.L.T.R,1959 against the orders of Agent to Government, Rampachodavaram in CMA No.2/2005, dt. 2-5-2005 – Allowed – Orders – Issued.

SOCIAL WELFARE (LTR - 2) DEPARTMENT

G.O.Ms.No. 49

Dated: 22-5-2009

Read the following:-

1. From Sri Bodapati Aravalu Raju S/o Venkata Reddy and other, East Godavari Dist.Revision Petition, Dt: 2/09/2005
2. Govt.Memo.No.1313/LTR-2/2006-1 Dt:6-6-2006.
3. From the P.O. ITDA, R.C.Varam, Lr.Rc.T8/ CRP in CMA/2/05, Dt:28/08/2006
4. Govt.Memo.No.1313/LTR-2/2006, Dt:23-8-2007 & 3-9-07.

ORDER:

In the reference first read above, Sri Bodapati Aravalu Raju S/o Venkata Reddy and other (non tribal) R/o Garagalapalem Village, Korukonda (M) East Godavari District has filed Revision Petition before the Government under Sec.6 of A.P.S.A.L.T.R,1959 against the orders of Agent to Government, Rampachodavaram in CMA No.2/2005, dt.2-5-2005, in respect of lands situated in Sy.Nos.8-2 (0.90 Ha), 21-2 (3.64 Ha), 132-1 (1.40 Ha), 132-2 (1.18 Ha), 178-1 (0.78 Ha) and 182-1 (1.66 Ha) total 9.56 Ha situated in Sarabhavaram village of Devipatnam Mandal in East Godavari District . The grounds submitted by the Revision Petitioner are under:-

- 1) they are the absolute owners of the lands in Sy.No.8/2 to an extent of Ha.0.90, Sy.No.21/2 to an extent of Ha 3.64, Sy.No.132/1 to an extent of Ha.1.40, Sy.No.132/2 to an extent of Ha. 1.18, Sy.No.178/1 to an extent of Ha 0.78 and Sy.No.182/1 to an extent of Ha. 1.66 of Sarabhavaram village, Devipatnam Mandal, East Godavari District.
- 2) the tribal Kunjam Venkanna Dora had not preferred any appeal in lower court but curiously one Kunjam Jagapathi Dora S/o Jogi Dora, the 5th respondent herein and a stranger to the proceedings who has nothing to do with the land nor party to the LTRP proceedings, preferred an appeal in CMA No.2/2005 before the Addl. Agent to Government Rampachodavaram. Even he has not filed any leave petition before the 1st respondent to permit him to file Appeal. The 1st respondent i.e. Addl. Agent to Government & Project Officer, ITDA Rampachodavaram without giving any notice or opportunity to the non-tribal respondents passed interim orders in CMP No.1/2005 in CMA No.2/2005, dated 9-3-2005 suspending order of Special Dy. Collector(TW) dated 30-12-2004. Aggrieved by the suspension orders passed by Addl. Agent, the petitioners filed WP No.8047/2005 before the Hon'ble High Court of AP. The Hon'ble High Court while setting aside interim orders of 1st respondent dt.9-3-2005, directed the 1st respondent to pass appropriate orders after affording reasonable opportunities to both the parties. Accordingly, the petitioners appeared before the 1st respondent i.e. Addl. Agent and produced all relevant records/documentary evidences but the 5th respondent had not filed any piece of evidence to show that he was in possession of lands. In spite of the same, the 1st respondent i.e. Addl. Agent passed orders in CMA No.2/2005 on 2-5-2005 setting aside orders of the 2nd respondent in LTRP No.196/2004 dated 30-12-2004 and ordered eviction of petitioners from the petition schedule lands.
- 3) admittedly the transactions are prior to Regulation 1 of 70 with the prior permission of the Special Asst. Agent and the transfers will not hit under the Regulation since LT Regulations operate prospectively and will not adversely affect completed transactions of transfer which were taken place prior to enforcement of Regulation 1 of 70.

- 4) the 1st respondent passed the impugned order on mere presumptions and surmises without verifying the factual aspects born out from the records produced by the petitioner. Thus, under any circumstances, the order passed by the 1st respondent i.e. Addl. Agent to Government & Project Officer ITDA Rampachodavaram in CMA No.2/2005 dated 2-5-2005 is exfacie illegal, arbitrary, unjust, improper and contrary to the Regulation 1 of 1959 as amended by Regulation 1 of 70.
- 5) the 1st respondent i.e. Addl. Agent with an ulterior motive, without referring the documents, simply held that the non-tribal respondents failed to prove their possession prior to 3-2-1970. It is not the case of an injunction. The regulations are to be initiated and to decide whether there any prohibited transfer is effected or not, but not possession of the lands. In fact Form-E notice itself contemplates that the petitioners are in possession of the land. The 1st respondent to somehow defeat claim of the petitioners, passed orders on unjustified grounds and ordered for eviction. As such the finding of the 1st respondent is without any basis and the same is perverse.
- 6) once the patta is granted under Regulation 2 of 1970, the very initiation of proceedings under Regulation 1 of 1959 as amended by Regulation 1 of 70 is barred unless and until the patta granted earlier under Regulation 2 of 70 is revoked or cancelled. The 1st respondent went wrong saying that the patta granted in favour of the non tribals do not bind the authorities under Regulations - **1988 (2) APLJ 9 (S.N), 1983 (2) APLJ 96 and 1998 (1) ALD 783.**
- 7) admittedly the transactions were prior to Regulation 1/59 as amended by Regulation 1/70 between two non-tribals and the transfers will not hit under Regulations since the LTR operate prospectively and will not adversely affect completed transactions of transfer which have taken place prior to enforcement of regulations. - **AIR 1996 SC 224, AIR 1982 AP 1 (FB) and 2000 (5) ALD 588.**
- 8) Therefore, prayed to declare the order of the 1st respondent in CMA No.2/2005, dated 2-5-2005 as highly illegal, arbitrary, unjust, improper, without jurisdiction and consequently set-a-side the same and pass such other order or orders as deemed fit and proper in the circumstances of the case.

2. The brief facts of the case are that a tribal viz., Kunjam Venkanna Dora, tribal, filed complaint before the Special Dy. Collector(TW) Rampachodavaram for restoration of lands in Sy.Nos.8-2 (0.90 Ha), 21-2 (3.64 Ha), 132-1 (1.40 Ha), 132-2 (1.18 Ha), 178-1 (0.78 Ha) and 182-1 (1.66 Ha) total 9.56 Ha situated in Sarabhavaram village of Devipatnam Mandal in East Godavari District which are in possession of non-tribal petitioners herein. The Special Dy. Collector (TW) Rampachodavaram conducted enquiry in LTRP No.196/04 and allowed the case in favour of non-tribal respondents holding that the transfers/transactions held from tribal to non-tribal and between non-tribals were with prior written permission of the Special Asst. Agent and prior to the commencement of the LTR Regulations 1/59 and 1/70 came into force.

3. Aggrieved by the orders of Special Dy. Collector (TW), another tribal by name Kunjam Jagapathi Dora S/o Pothannadora, R/o Uppayapalem (v) of Devipatnam Mandal filed Appeal before the Addl. Agent to Government & Project Officer ITDA Rampachodavaram. The Addl. Agent to Government & Project Officer Rampachodavaram heard the case in CMA No.2/2005 and allowed the case on 2.5.2005 in favour of tribal appellant holding that the non-tribal respondents gained access to the tribal lands illegally and failed to prove valid possession in transfers effected between non-tribals.

4. Aggrieved by the orders of the Addl. Agent to Government & Project Officer, ITDA Rampachodavaram, the non-tribal petitioners filed Revision Petition before the Government.

5. In the reference 2nd read above the Collector, East Godavari was requested to furnish parawise remarks and case records the same were received from the Project Officer ITDA, Rampachodavaram vide reference 3rd read above. After examination of the parawise remarks and case records, notices were sent to the concerned to attend the hearing of the revision petition on 31-8-2007 and the case was finally came up for hearing on 17-9-07 vide reference 4th read above. Counsel for petitioner present and submitted written arguments and related documents.

6. Government after careful examination of case record of lower and appellate authorities, grounds urged by the petitioners in the RP, written arguments submitted by Counsel for petitioners and other material available on record with reference to each Survey Number and its extent observed that ---

1. Sy.No.8/2 measuring 0.90 Ha

Findings of SDC (TW) in LTRP No.196/04, dt.30.12.2004

The Spl. Asst. Agent, Rajahmundry in R.Dis.No.7069/93, dt. 26.5.1963 granted permission to Sri Kunjam Ayyanna under Sec. 3 (ii) of Regulation 1/59 to sell the land in Patta No.8 of Uppayapalem and Patta No.1 of Indukuripeta village for discharge of his debts. Accordingly, as per Sale Deed 1111/63, dt. 17.6.1963, Bodapati Aravalaraju S/o Venkata Reddy purchased Ac.2.00 in patta No.8 from Kunjam Ayyanna and others for Rs.800/-. The recitals confirm that the vendor got permission to sell the land, from Spl.Asst. Agent, Rajahmundry. The Government in Revenue Department vide its Memo.No.325-TWII-1/70-5, dt. 26.3.1971 clarified that according to rule II of the rules made under Act I/17, except in cases where the transfer of immovable property is a mortgage without possession, the Asst. Agent is empowered to permit such transfers and the same power was conferred by Sec.3 of Reg. 1/59 on the Agent or any prescribed officer, subject, however to the rules made in that behalf. The Spl.Asst. Agent, Rajahmundry, was, therefore, competent by virtue of the rules made under Act 1/17 and Reg 1/59 to accord permission for sale of land by tribals. Hence, this transfer of property of S.No.8/2 covered by sale deed 1111/63 in favour of non-tribal respondent from tribal vendor with the permission of Spl. Asst. Agent to Govt. is not in violation of Sec.3 of Regulation 1/59 (unamended) and is valid one. The tribal respondent could not prove that the transfer of land is violative of LTR and could not file any new evidence.

Findings of Project Officer & ITDA RCVaram & Addl. Agent to Govt. in CMA No.2/2005,dt.2.5.2005

Admittedly, there was a transfer of land between tribal and non-tribal for the land covered by Sy.No.8/2 through a Registered sale deed with the permission granted by Spl. Asst. Agent and Revenue Divisional Officer, Rajahmundry. Although, Spl.Asst. Agent was a designated authority under LTR Act 1/1917, no such authority was prescribed under LTR 1/1959. The sub-clause (e) of Section 2 of Regulation clearly says that the prescribed means an officer prescribed under the rules under LTR 1 of 1959. The rules made under the said Regulation of 1959 in the year 1969 did not prescribe the officer to accord permission for transfer of lands between tribal and non-tribals. The specific provision under the LTR 1 of 1959 is repugnant to the corresponding provision under the earlier LTR Act 1/1917. As such the permission granted by Spl. Asst. Agent/RDO Rajahmundry for the transfer of lands between tribal and non-tribal in the year 1963 without jurisdiction and contrary to the provisions of LTR 1 of 1959. Further, Govt. Memo.No.325 is contrary to the provisions of LTR 1 of 1959 and cannot save the illegal transfer of lands held between tribal and non-tribal in the year 1963 in violation of LTR 1 of 1959. Hence, the transfer of land in Sy.No.8/2 measuring 0.90 Ha affected between tribal and non-tribal in the year 1963 is null and void.

Grounds urged in the Revision Petition and argument of the Counsel for petitioners

The land was purchased under a registered sale deed No.1111/63, dt. 17.6.1963 with the permission of Spl.Asst. Agent, Rajahmundry. As such, there is no prohibition of transfer of immovable property. In fact, son of the original vendor

Kunjam Bapanna Dora S/o Ayyanna Dora filed LTRP No.161/76 against 2nd petitioner and the same was dismissed on 2.4.1979 holding that it was not hit by Section 4 of Act I of 1917 and is valid. The Settlement Officer, Rajahmundry in case No.1175, dated 20.12.1975 granted Ryotwari patta in favour of the petitioners under Regulation II of 1970.

Findings

As per sub-section (1) (ii) of Sec.3 of the APSALTR 1959 (prior to its Amendment by Regulation I of 1970) provided that notwithstanding anything contained in any enactment, rule or law in force in the Agency Tracts, any transfer of immovable property situated in the Agency tracts by a member of a Scheduled Tribe shall be absolutely null and void unless made with the previous sanction of the State Government or subject to rules made in this behalf, with the previous consent in writing of the Agent or of any prescribed officer. Since no rules were made till 1969 under APSALTR 1959, the Government in Revenue Department vide Memo.No.325/TWII-1/70-5, dt.26.3.1971 issued clarification that the rules made under the Agency Tracts Interest and Land Transfer Act, 1917 (partly repealed by Sec.9 of the 1959 Regulation) would, therefore, continue to apply to all transfers of immovable property situated in the Agency Tracts made by a member of ST, till the coming into force of the Rules made under Regulation 1 of 1959, to the extent they are repugnant to the provisions of the said Regulation, by virtue of section 18 read with section 23 (B) of the Andhra Pradesh General Clauses Act, 1891. The Special Asst. Agent, Rajahmundry was therefore competent by virtue of the rules made under the Agency Tracts Interest and Land Transfer Act 1917 to accord permission for sale of land in question by tribals and the transfer held in the instant case on 17.6.1963 is thus valid.

2. Sy.No.21/2 measuring 3.64 Ha

Findings of Special Dy. Collector(TW) Rampachodavaram in LTRP No.196/04, dt. 30.12.2004

The land was purchased by Bodapati Kondayya from Nallanichakravartula Subhadramma through registered document No.1594/56,dt. 7.9.1956. The Settlement Officer in case No.1175, dt.20.12.1975 granted Settlement Patta. The tribal respondent could not file any new evidence.

Findings of Project Officer ITDA Rampachodavaram & Addl. Agent to Govt. in CMA No.2/2005, dt.2.5.2005

There is a discrepancy in the order given by the Settlement Officer and patta granted to non-tribal. The claim of the non-tribal respondent is allowed by Settlement Officer for the lands covered by S.No.21/1, but patta was granted for S.No.21/2. The non-tribal respondent could not clarify the discrepancy. In the order given by Lower Court, the land in Sy.No.21/1 was purchased by Bodapati Kondayya from Nalla Chakravarthula Subhadramma vide document No.1594/56, but no such document was produced by the non-tribal respondent. Hence, claim of non-tribal respondents for land in Sy.No.21/1 is disallowed as they failed to prove their continuous possession.

Grounds urged in the RP and argument of the Counsel for petitioners

The 1st respondent failed to see that the land in Sy.No.21/2 was never in possession of non tribals prior to 1917 and all through the possession of the above land was in the hands of non tribals. The land in Sy.No.21/2 to an extent of Ha 3.64 was originally belonged to Sri Velamuri Pothuraju and other non and the same was sold to another non-tribal Nagabandi Mangaiah through Registered sale deed dated 30.10.1915. Subsequently, Mangaiah sold the said land to another non-tribal viz., Krishnamacharyulu through registered sale deed dated 19.5.1918. In the year 1956, father of the petitioners purchased the land in Sy.No.21/2 from non-tribal Nallani Chakravarthula Subhadramma under registered sale deed No.1594/56, dt.7-9-1956 which is prior to amended regulation 1 of 70 came into force. It is evident from all the documents that the above land is in possession of non tribals even prior to 1917.

Thus all the transactions took place prior to 1917 and prior to 1970 were between non-tribals and as such there is no prohibited transfer under the LT Regulations.

In fact the Spl.Deputy Tahsildar (TW) Rampachodavaram filed complaint in LTRP No.150/83 before Special Dy. Collector(TW), East Godavari and the same was dismissed on 28-5-1984 on the ground that the transactions between the non tribals are not hit either by Act 1/1917 or Regulation 1 of 1959. Also the Settlement Officer, Rajahmundry in case No.1175 dated 20-12-1975 granted Ryotwari patta in favour of the petitioners after due enquiry under Regulation 2/1970.

With regard to Sy.No.21/1, there is no discrepancy, the patta was granted for the land purchased under a valid sale deed and the petitioners have no other land except this land in the said survey number.

Findings

Admittedly, non-tribals are in possession from the beginning i.e. prior to Act I of 1917 and prior to Act 1 of 1970 and the transfers were held through registered documents. The registered document No.1594/56, dt. 7.9.1956 for transaction held between Nallani Chakravarthula Subhadramma and the petitioners is produced before the Government and on examination; it is found that the land was situated in the old patta No.18. The Settlement Officer, Rajamundry discussed in his order No.1175, dt. 20.12.1975 that this land is covered by old patta No.18 belonging to Nallani Chakravarthula Subhadramma, Non-tribal and it was finally passed on to the hands of the claimants by way of sale through document No.1594/56, but in the Settlement Patta the Sy.No. is mentioned as 21/2 which might be a typographical error as the registered sale deed and Settlement Order are corroborating the old patta number, names of both vendor and vendee. Hence, the land measuring 3.64 Ha in Sy.No.21/2 is not hit by provisions of LTR.

3. Sy.No.132/1 (1.40 Ha) and Sy.No.132/2 (1.18 Ha)

Findings of Spl. Dy.Collector(TW) Rampachodavaram in LTRP No.196/04, dt.30.12.2004

The Special Asst. Agent, Rajahmundry in SR No.19/72, dt. 24.12.1973 between Posam Pothanna Dora and Bodapati Kondayya dismissed the case contending that the land covered by Deed 154/48 and the earlier Deed 562/25 purchased by non-tribal, with the permission of RDO Polavaram were valid under Act 1/17 and Regulation 1/1959.

Findings of Project Officer, ITDA Rampachodavaram & Addl. Agent to Govt. in CMA No.2/2005, dt. 2.5.2005

The land in Sy.Nos. 132/1 (1.41 Ha) and 132/2 (1.18 Ha) covered by Patta No.23 were mismatching. The permission said to have been granted by the RDO Polavaram in L.Dis.No.950/25, dt. 5.9.1925 did not indicate the Survey Number or Patta number or tranferee's name. The subsequent sale deed bearing No.562/25 also did not indicate the permission to sell the land from tribal to non-tribal vendee. Hence, the non-tribals came into possession of lands through illegal transfer from tribals.

Grounds urged in the Revision Petition and argument of the Counsel for petitioners

The land in Sy.Nos.132/1 to an extent of Ha 1.40 and Sy.No.132/2 to an extent of Ha 1.18 of Sarabhavaram village was initially purchased from one non-tribal viz., Chirravuri Pedda Veeraiah S/o Venkanna from tribal Posam Pandudora and Pothaiah under registered sale deed No.562/25 dated 4.10.1925 after obtaining permission from the RDO Polavaram in L.Dis.No.950/25, dated 5.9.1925. As such the transfer is not hit under the LT Regulations. Subsequently, father of the petitioners purchased the above land from Chirravuri Peda Venkanna S/o Peda Veeraiah under Regd. Sale Deed No.154/48, dated 11.4.1948. As such there is no ground to initiate LTR proceedings. However, the SR No.19/72 filed by Posam Pandudora before the Spl.Asst. Agent, Rajahmundry, under LTR against the 2nd petitioner i.e. Bodapati

Kondayya was dismissed on 24.12.1973 upholding the transfer as legal. The 1st respondent i.e. Addl. Agent to Govt. gravely erred in holding that the land in Sy.Nos.132/1, 132/2 are mismatching without explaining as to how they are mismatching. In fact, the Settlement Officer, Rajahmundry, after thorough enquiry under Regulation 2 of 1970, categorically held that Sy.No.132/1 and 132/2 are correlated to patta No.23 and granted Settlement Patta in favour of petitioners as the extents were also tallied.

Findings

The recitals of first sale deed No.562/25, dated 4.10.1925 confirm old patta No.23 and the extent sold by the tribals Posam Pothaiah and Pandudora to the non-tribal Chirravuri Pedda Veeraiah to whom the said land was initially mortgaged through registered mortgage deed dated 5.7.1912. Obviously, to discharge the debts, the tribals Posam Pothaiah and Pandudora might have sold the land to non-tribal Chirravuri Pedda Veeraiah. The permission was given by Special Asst. Agent, Rajahmundry on 5.9.1925 on the petition of Poosam Pothaiah and Pandudora forwarded by Dy.Tahsildar, Chodavaram in N.Dis.No.42 of 25, dated 4.8.1925 which might contained details of patta number and extent under their possession and the reasons for disposal. In view of proximity between dates of permission and sale deed i.e. 5.9.1925 and 4.10.1925 and that the sale deed dt.4.10.1925 mentioned about sale of land in patta No.23, there is reason to believe that the permission obtained was for sale of land in patta No.23. The recitals in the subsequent sale deed between father of the petitioners and Chirravuri Pedda Veeraiah through registered sale deed No.154/48, dt. 11.4.1948 which is much long before initiation of the present LTR proceedings, also speak about handing over of link documents i.e. registered mortgage deed and subsequent sale deed 562/25 along with permission given by Special Asst. Agent. The Special Asst. Agent, Rajahmundry held the transaction as valid after detailed enquiry in SR No.19/72. The Settlement Officer, Rajahmundry, who conducted enquiry under Regulation 2 of 1970 granted Settlement Patta after due enquiry. The permission document and the sale deed 562/25 are more than 75 years old genuine and valid documents. The recitals recorded at that time may not anticipate views now arise out of subsequent amendments and circumstances. Hence, the possession of lands in Sy.No.132/1 and 132/2 by the petitioners is valid.

4. Sy.No.178/1 (0.78 Ha)

Findings of Spl. Dy. Collector(TW) Rampachodavaram in LTRP No.196/04, dt. 30.12.2004

The transaction was held between non-tribals through registered sale deed No.1297/65 on 2.6.1965 i.e. prior to amended Act I of 1970 came into force and hence valid. Further, the Settlement Officer discussed the transfer under the provisions of Regulation 1/59 and granted patta under Sec.9 of Regulation 2 of 1970.

Findings of Project Officer, ITDA Rampachodavaram & Addl. Agent to Govt. in CMA No.2/2005, dt.2.5.2005

There was a mentioning in the sale deed bearing No.1297/65 that the transfer of lands was held between tribal and non-tribal and corresponding to the patta number 23. As such, the non-tribal respondent suppressed the facts of transfer of land between tribal and non-tribal. Hence, the non-tribal respondent gained access to land in Sy.No.178/1 which was covered by patta No.23 through illegal transfer from tribals in violation of LTR 1/1917.

Grounds urged in the Revision Petition and arguments of the Counsel for petitioners

The 1st respondent erred in saying that the land in respect of Sy.No.178/1 is a transfer held between tribal and non tribal which is factually incorrect. The 1st respondent had not verified the sale deed No.1297/65, dated 2-6-1965 filed by the petitioners purchasing land from non-tribal Nelapati Posamma who belong to Adi Andhra, a non tribal community. The transaction was between two non-tribals before the amended Act I of 1970 came into force and hence valid.

Findings

The recitals of sale deed bearing No.1297/65 clearly show that the transaction was between non-tribal vendor Smt.Nelapati Posamma W/o late Gannayya, belongs to Adi-Andhra non-tribal community and the non-tribal petitioners herein. The patta number mentioned in the document was 33 but not 23 as held by Addl. Agent. The transfer took place between the two non-tribals much before the amended Act I of 1970 came into force and hence valid.

5. Sy.No.182/1 (1.66 Ha)

Findings of Spl. Dy. Collector(TW) Rampachoodavaram in LTRP No.196/04, dt.30.12.2004

The sale deeds 1367/61, dt.18.7.1961 and 484/65, dt.24.3.1965 covering the PS land was held between non-tribals and they were not hit by Reg.1/59 and valid. Further, the Settlement Officer discussed transfer under the provisions of LTR and granted patta under Sec.9 of Reg. 2/70.

Findings of Project Officer, ITDA Rampachodavaram & Addl. Agent to Govt. in CMA No.2/2005, dt.2.5.2005

The respondent filed sale deeds 1367/61 and 484/65 which showed transfer of lands held between non-tribals. But failed to prove continuous possession and enjoyment prior to 3.2.1970 and burden of proof lies by the purchaser as held by the Hon'ble High Court (1988 (1) ALT 411).

Grounds urged in the RP and arguments of the Counsel for petitioners

The land in Sy.No.182/1 measuring 1.66 Ha at Sarabhavaram village was purchased under two registered sale deed Nos.1367/61 dated 18-7-1961 and No.484/65 dated 24-3-1965 from the non tribals Kilaparthi Satyanarayana Murthy and Boddu Papaiah respectively i.e. prior to regulation 1/70 and hence will not attract LTR provisions. The Spl.Dy.Tahsildar, TW, RCVaram filed complaint before the SDC (TW), RCVaram and the same was dismissed on 28-5-1984 as there was no prohibited transfer. The Settlement Officer, Rajahmundry also granted Ryotwari patta under Regulation 2/70.

Findings

Admittedly the transactions in Sy.No.182/1 measuring 1.66 Ha (2.00 + 1.80 acs.) between the non-tribals through registered sale deeds were prior to Regulation 1/59 as amended by Regulation 1/70 between two non-tribals and the transfers will not hit under Regulations since the LTR operate prospectively and will not adversely affect completed transactions of transfer which were taken place prior to enforcement of regulations. - AIR 1996 SC 224, AIR 1982 AP 1 (FB) and 2000 (5) ALD 588.

7. Government after careful examination of the Revision petition hereby set-aside the orders of the Addl. Agent to Government & Project Officer ITDA Rampachodavaram in CMA No.2/2005, dated 2.5.2005 and accordingly the Revision Petition is Allowed.

8. The counsel for the petitioner is requested to inform his clients accordingly. The Collector, East Godavari / Addl. Agent to Government and Project Officer, I.T.D.A., Rampachodavaram are requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,
Prl. SECRETARY TO GOVERNMENT

To
The Collector, East Godavari District.

The Addl. Agent to Government & Project Officer, ITDA,
Rampachodavaram, East Godavari
(With RPAD for the following records)

1. LTR Case file No.196/04, containing pages (1-120)

2.Addl. Agent to Govt. R.C.Varam CMA No.2/05 containing pages.(1-232).

The Spl.Dy.Collector,(TW) . Rampachodavaram, East Godavari

Sri Bodapati Aravala Raju S/o Venkata Reddy,

R/o Garagalapalem vg. Korukonda (M) East Godavari District

Sr Bodapati Kondayya S/o Venkata Reddy,

R/o Garagalapalem vg. Korukonda (M) East Godavari District

Sri Kunjam Jagapathi Dora S/o Jogi Dora,

R/o Uppayapalem vg. Devipatnam (M) East Godavari Dist.

Sri Badana Bhaskar Rao, Advocate,

201 Royal Residency, Humayun Nagar, Hyd.28.

Copy to the P.S. to M (TW& RIAD)

FORWARDED:BY ORDER

SECTION OFFICER